

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HECTOR CLARENCE ANDERSON,

Plaintiff,

v.

JOHN DOE,

Defendant.

No. 1:20-cv-01620-DAD-SAB (PC)

ORDER DISMISSING ACTION DUE TO
PLAINTIFF'S FAILURE TO PAY FILING
FEE

(Doc. No. 8)

Plaintiff Hector Clarence Anderson is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 19, 2020, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915(g) be denied because plaintiff had suffered three or more strike dismissals and that he be ordered to pay the required \$400.00 filing fee in order to proceed with this action. (Doc. No. 5.) On December 16, 2020, the undersigned adopted those findings and recommendations, denied plaintiff's motion to proceed *in forma pauperis*, and ordered plaintiff to pay the \$400.00 filing fee in full within thirty (30) days. (Doc. No. 8.) Plaintiff was cautioned that failure to comply with that order and pay the required filing fee within the specified time

1 would result in dismissal of this action. (*Id.* at 4.) On December 28, 2020, plaintiff filed a
2 motion to vacate the undersigned's adoption of the findings and recommendations under Federal
3 Rule of Civil Procedure 60. (Doc. No. 9.) On January 4, 2021, the undersigned denied plaintiff's
4 motion and reminded plaintiff that he was required to pay the filing fee in order to pursue this
5 action. (Doc. No. 11.)

6 Plaintiff has not paid the required filing fee and the deadline in which to do so has now
7 passed.

8 Accordingly,

- 9 1. This action is dismissed without prejudice due to plaintiff's failure to pay the
10 required filing fee; and
- 11 2. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: **April 12, 2021**

14 
UNITED STATES DISTRICT JUDGE